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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,087	10/18/2005	Pascal Agin	Q90411	9506
23373 7590 06/24/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER GESSESSE, TILAHUN	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 06/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,087

Applicant(s)

AGIN, PASCAL

Examiner

Tilahun B. Gesesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed March 11, 2008 have been fully considered but they are not persuasive.

On page 9 , first paragraph of response applicant argued that Cao does not disclose feature of claim 1, "receiving, by a first network element that transmits to mobile terminals, at least one information element from at least one other second network element, wherein said information element indicates an initial transmission power for transmission to a mobile terminal, in a case of radio link reconfiguration between said first network element and said mobile terminal, which changes the transmission power for said radio link."

The examiner disagrees. Cao teaches , this how, Cao Node B "first network element" of UTMS network, receives radio bearer reconfiguration "one information" set up from RNC "second network element" (col. 3, lines 55-62) in which the radio bearer reconfiguration "information element" indicates the power control preamble length and inner loop power control (col. 4, lines 13-15) for transmission to a mobile station (see col. 4, lines 4-8). In which changing the transmission power for the radio link (the mobile stations responds with a radio bear reconfiguration complete message (see col. 4, lines 18-19).

On page 9, third paragraph of response , applicant argued that Cao does not teach the information element indicates an initial transmission power for transmission to a mobile station (col. 4, lines 21-24 and figure 1), In which the reconfiguration "

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information element" an initial transmission power "downlink" to the mobile station due to delay or weak power of signal reconfigured to downlink with higher strength.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3,10-11,14-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Cao et al "Cao" (US 7,218,947 B2).

Claim 1, Cao teaches method of improving the performance of a mobile radio communication system, (see figure 1) in which node B and RNC reconfigured.

Cao teaches receiving node B transmits to mobile station (figure 1,) at least one other network element, known as the second network element, (see abstract and figure 2, column 3, lines 39-47 in which UTRAN network, , RNC and plurality of NODE Bs and UEs interfacing radio link between Node B and mobile terminals in order to improve the performance of a mobile radio communication system.

Cao teaches the information element indicates an initial transmission power for transmission to a mobile terminal, in the case of radio link reconfiguration between the first network element and the mobile terminal, which can produce a change in the transmission power for this radio link (see column 3, lines 49-column 4, lines 45 and

figure 3 in particular column 4, lines 9-13.

Cao Node B "first network element" of UTM network, receives radio bearer reconfiguration "one information" set up from RNC "second network element" (col. 3, lines 55-62) in which the radio bearer reconfiguration "information element" indicates the power control preamble length and inner loop power control (col. 4, lines 13-15) for transmission to a mobile station (see col. 4, lines 4-8). In which changing the transmission power for the radio link (the mobile stations responds with a radio bear reconfiguration complete message (see col. 4, lines 18-19).

On page 9, third paragraph of response , applicant argued that Cao does not teach the information element indicates an initial transmission power for transmission to a mobile station (col. 4, lines 21-24 and figure 1), In which the reconfiguration " information element" an initial transmission power "downlink" to the mobile station due to delay or weak power of signal reconfigured to downlink with higher strength.

Claim 2. Cao teaches first network element corresponds to a base station, or node B in a UMTS type system. (see column 3, lines 39-46 and figure 2).

Claim 3, Cao teaches the second network element corresponds to a radio network controller (RNC) in a UMTS type system (see figure 2).

Claims 10-11. Cao teaches the information element is received in a synchronized radio link reconfiguration command message and information element is received in an unsynchronized radio link reconfiguration command message(column 3,

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line 48-column 4, line 36 and figure 3).

Claim 14-16, the initial transmission power is used by said first network element for a radio admission control algorithm (see column 3, line 48-col.4, line 36 and figure 3).

Claims 17-20, Cao teaches the base station controller (see abstract and figure 2, column 3, lines 39-47 in which UTRAN network, , RNC and plurality of NODE Bs and UEs interfacing radio link between Node B and mobile terminals in order to improve the performance of a mobile radio communication system. .

Cao teaches the information element indicating the initial transmission power for transmission to a mobile terminal, in the case of radio link reconfiguration between the first network element and the mobile terminal, which can produce a change in the transmission power for this radio link (see column 3, lines 49-column 4, lines 45 and figure 3 in particular column 4, lines 9-13.

Claims 21-23, Cao teaches means for using the information element for a radio admission control algorithm (see column 3, lines 49-column 4, lines 45 and figure 3 in particular column 4, lines 9-13.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cao in view of Bjorn (GB 231179 A).

Claims 4-9, Cao teaches all the limitation explained in claim 1, except a RNC having an SRNC (Serving Radio Network Controller) role and CRNC , DRNC and NBAP protocol .

However, Bjorn teaches a UMTS radio access network having a radio network controller having an SRNC , CRNC , DRNC and NBAP protocol, (see abstract).

One would have been motivated to modify Cao to include SRNC , CRNC , DRNC and NBAP protocol for configuration before connected to the new network and in order to expand the service area upon updating protocol and reconfiguring protocol .

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include SRNC , CRNC , DRNC and NBAP, as taught by Bjorn, in order to configure the connection between serving and drift RNC.

Claims 12-13, Cao teaches radio link reconfiguration command message corresponding prepare and request message (see column 3, line 48-col.4, line 36 and figure 3).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B. Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 17, 2008
T.B.G

Tilahun B Gesesse
Primary Examiner
Art Unit 2618

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